

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES of AMERICA,

4 -against-

16 Cr. 832 (KMK)

5 NICHOLAS TARTAGLIONE,

6 Defendant.

7 -----x
8 United States Courthouse
9 White Plains, New York

10 February 16, 2017

11 B e f o r e:

12 HON. KENNETH M. KARAS,
13 United States District Judge

14 A P P E A R A N C E S:

15 MAURENE COMEY
16 Assistant United States Attorney

17 BRUCE BARKET
18 AIDA LEISENRING
19 MARK DEMARCO
20 Attorneys for Defendant

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24 ANGELA A. O'DONNELL, RPR
25 Official Court Reporter

Angela O'Donnell, RPR, 914-390-4025

1 P R O C E E D I N G S

2 THE CLERK: The Honorable Kenneth M. Karas presiding.

3 THE CLERK: United States of America versus Nicholas
4 Tartaglione, 16CR832. Counsel, please state your appearances.

5 MS. COMEY: Good morning, your Honor. Maurene Comey
6 for the government. With me at counsel table is Anthony
7 Coccoaro, a paralegal specialist with our office.

8 THE COURT: Good morning to you both.

9 MR. BARKET: Good morning, Judge. Bruce Barket Aida
10 Leisenring, along with Mark DeMarco for Mr. Tartaglione.

11 THE COURT: Good morning, everybody, please be
12 seated.

13 What's the latest?

14 MS. COMEY: The government has produced a substantial
15 amount of discovery. We've turned over a number of videos,
16 audio recordings, search warrants, photographs, phone data and
17 corresponding applications, a number of records. At this point
18 we're really just waiting on the labs. Quantico is running
19 about three-to-six months behind from the date of submission,
20 so we're hopeful that it will be on the three-month side and
21 not on the six-month side.

22 We expect to have the completed autopsy reports
23 within the next month, hopefully sooner, and at that point we
24 anticipate discovery will be substantially complete.

25 THE COURT: What again are the labs?

1 MS. COMEY: The labs, they include trace evidence,
2 fingerprint evidence, DNA evidence as well as some ballistics
3 testing.

4 THE COURT: Okay. All right. So you submitted that
5 what, about a month or so ago?

6 MS. COMEY: At the end of December.

7 THE COURT: It's a little more than a month. So
8 you're hoping maybe by April-ish.

9 MS. COMEY: That is the hope.

10 THE COURT: Best case scenario.

11 MS. COMEY: Yes, your Honor.

12 THE COURT: Okay. All right, so --

13 MR. BARKET: I guess we'll come back in the beginning
14 of April and see where we are in terms of the autopsy reports
15 and hopefully we'll have the labs.

16 THE COURT: Maybe end of April. We can be optimists,
17 but we need to be realists.

18 MR. BARKET: Okay. That's fine.

19 THE COURT: I think there's plenty to review in the
20 meantime, I assume.

21 MR. BARKET: We have enough to keep us busy.

22 THE COURT: You've got a pretty long to-do list, I
23 imagine Mr. Barket.

24 MR. BARKET: We do indeed.

25 THE COURT: Why don't we do that, because when we get

1 together, if we can have that buttoned up and that gives
2 Ms. Comey something to say to the Quantico folks, like I have
3 to be back in court the end of April, can you get this stuff,
4 and we can sort of map our course from there.

5 Does that work?

6 MR. BARKET: Yes.

7 THE COURT: Does that work?

8 MS. COMEY: Yes, your Honor.

9 THE COURT: Let's say April --

10 THE CLERK: 28th at 11.

11 THE COURT: April 28th at 11.

12 MR. BARKET: That's a Friday?

13 MR. DEMARCO: It's not good for me but it's fine.

14 THE COURT: 26th?

15 MR. BARKET: Oh, I have to be in Eastern at

16 10:00 a.m.

17 THE COURT: 27th?

18 MR. BARKET: 27th is next visiting day, it's
19 Thursdays, so I prefer not a Thursday. He misses an
20 opportunity to see his family.

21 THE CLERK: 26th at 10:30?

22 THE COURT: That work? That works.

23 MR. BARKET: That's fine.

24 THE COURT: Does that work for the government?

25 MS. COMEY: Yes, your Honor.

1 THE COURT: April 26 at 10:30. Any objection to
2 excluding time from now until then?

3 MR. BARKET: No, Judge.

4 THE COURT: All right. Then I'll prospectively
5 exclude time from today until April 26th, finding it's in the
6 interest of justice to do so. That finding is based on the
7 fact that the government has been diligent in producing
8 discovery to date but it needs to wait on some lab reports to
9 get those turned over. In the meantime, of course, time can be
10 spent by counsel for Mr. Tartaglione to review the discovery
11 that's been produced to date. I therefore find that the
12 interest of justice for this exclusion outweigh Mr. Tartaglione
13 and the public's interest in a speedy trial. The finding is
14 made pursuant to 18 U.S.C, Section 3161(h) (7) (A).

15 Anything else?

16 MR. BARKET: That's it.

17 THE COURT: Anything else?

18 MS. COMEY: Nothing from the government, your Honor.

19 THE COURT: All right, then we're adjourned.

20 MR. BARKET: Have a good day, Judge.

21 THE COURT: You, too.

22 MS. COMEY: Thank you, your Honor.

23 THE COURT: Thank you, Marshals.

24 (Proceedings concluded)

25 Angela A. O'Donnell, RPR, Official Court Reporter, USDC, SDNY